

Scott
Downey/R10/USEPA/US
07/14/2010 09:52 AM

To Sheila Fleming
cc Ann Williamson, Schulze.Chad, Linda Liu
bcc
Subject Herbicides message and Pitchfork Rebellion petition as prep
for Thursday meeting

Hi Sheila - I just want to share some information ahead of our meeting tomorrow on pesticide issues in the Oregon Coastal Range. The message below is just one slice of the overall controversy that has been going on for many years now and we'll provide additional background at the meeting.

I'm also attaching a copy of a "petition" that a local activist sent to Administrator Jackson that HQ has posted in a docket (EPA-HQ-OPP-2010-0265 at <http://www.regulations.gov>) for public comment (closes Aug 12).



EPA-HQ-OPP-2010-0265-0002.doc

As you'll see, there are many side issues involved that aren't relevant, factual, or within our responsibility to address. We primarily want OEA to be aware of these claims of adverse health effects from pesticide applications and the requests for health studies and to help us with next steps. The Region is not responsible for assessing and responding specifically to the petition. The HQ Office of Pesticide Programs is the lead for that but we are providing some information to assist them in their analysis.

Looking forward to meeting and working with you on this issue. Scott

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----- Forwarded by Scott Downey/R10/USEPA/US on 07/14/2010 09:07 AM -----

From: Amy Pincus Merwin <amy@informproductions.com>  
To: Scott Downey/R10/USEPA/US@EPA  
Date: 05/14/2010 09:37 AM  
Subject: Comment for meeting with OTA, Director Lisa Arkin

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May 13, 2010

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Mr. Downey,

I moved to the Oregon Coast Range Valley in 1980 believing that I had moved to paradise. I soon learned that in the 1970s OSU Professor (emeritus) Mike Newton brought Agent Orange, a combination of DOW Chemical's phenoxy herbicides 2,4,5-T and 2,4-D, leftover from the war in Viet Nam to Western Oregon. He also pursued a forestry-herbicide model to use these poisons in which forests were clearcut, then slash-burned, sprayed with Agent

Orange, seedlings were planted, and then sprayed, sprayed and sprayed again until the seedlings grew over the native brush (native berries, alder, viney maple and others).

This model was used during the 1970s and early 1980s wherever Western Oregon forests, from the Cascades to the Oregon Coast Range, were clearcut but most intensely in the Alsea-Waldport, Siuslaw-Mapleton National Forest Districts, and in central western Benton, Lincoln and Lane Counties. Thanks to the efforts of neighbors in those districts, Congress stopped the use of these herbicides on national forests in 1983, and DOW's 2,4,5-T was deregistered and no longer made in the US. Unfortunately, DOW avoided the deregistration of 2,4-D and it is still used in Oregon State Forests and on private, corporate timberland in Oregon, along with dozens of other herbicides. And within the last few years, Oregon's Pesticide Use Reporting (PURS) [http://www.oregon.gov/ODA/PEST/purs\\_index.shtml](http://www.oregon.gov/ODA/PEST/purs_index.shtml) reported that 70,000#s of old stores of the known carcinogen 2,4,5-T, were sprayed in Polk County, Oregon.

Although Agent Orange is a known carcinogen, the by-product of manufacturing 2,4,5-T and 2,4-D is TCDD dioxin, which is defined by Scott Hetch Ph.D. of the National Atmospheric and Oceanic Administration (NOAA) as POP (a persistent pollutant in the environment.) TCDD dioxin adheres to soil sediments and migrates into the watersheds over time and persists *forever*. TCDD mutates the mitochondria of any cell which causes birth defects, miscarriages, stillbirths, cancer, and a multitude of other health problems in humans, and forest and river species. Unfortunately, NOAA and other agencies, such as, the Waldport Water District, PARC and the Oregon Cancer Registry do not authorize testing for nor test for TCDD dioxin when exploring health impacts on humans and, for instance, declining species of salmon.

2,4-D the other Agent Orange component is still presently used with impunity and in combination along with the dozens of other pesticides used alone or in combination, including their proprietary inert ingredients to make forests into forestry plantations, farms into sterile agricultural operations, and roadsides poisoned into non-vegetative, non-living systems. All of these practices cause run-off into the ample waters of Oregon, causing salmon, other aquatic, and wildlife to decline.

Since 1983 in the extremely small valley of Deadwood (12-mile-long watershed; population: 200-300), to use as an example, dozens of people have developed brain tumors, non-Hodgkin's Lymphoma, breast, throat and other cancers; babies have been miscarried, as late as eight months, or stillborn, or born with undifferentiated genitals and/or other birth defects, such as, autism, congenital heart defects, and cleft palate; men are impotent, and two grown men have had sex change operations (which may be completely a normal part of their personal choices, but seems like a high statistic for such a small population, and even more distinct considering that each of them was exposed to the hormonally-based, phenoxy-herbicides of 2,4,5-T and 2,4-D), people have skin diseases, auto-immune disorders, uterine abnormalities, GERD, Diabetes II and sadly more diseases on and on. And MDs aren't trained to diagnose pesticide poisoning, and many residents are unaware of their exposure to pesticides and therefore do *not* know why they or their family members are ill, or that their neighbors in the next valley are also suffering from pesticide poisoning.

Within the last five years, six hundred residents of Waldport, Oregon signed a petition requesting that PARC, and the Oregon Department of Agriculture test the drinking water for the City of Waldport, because of the extremely high incidence of many health issues and abnormalities. So date, nothing has been done about this citizen request. Please consider testing Waldport's water for TDCC dioxin and other carcinogens, as well as the full spectrum of other chemicals, heavy metals and whatever else that might be contributing to this Waldport health anomaly. [ <http://www.oregon.gov/ODA/PEST/parcminutes051706.shtml> Old PARC cases; Pitchfork Rebellion]

Please consider conducting epidemiological studies of Waldport, Alsea, Deadwood to develop a baseline of understanding of what is the future of the human, species and environmental health in Oregon given our past experiences, and past and present excessive and near-constant pesticide use in Oregon (forestry, agriculture and roadside.)

Whole communities are ill in Oregon but to date no one will pursue an epidemiological study on any community. I believe that the officials won't do studies, because once they *have to* acknowledge what is actually happening liability for all the loss of life and health, and devastation to the environment will arise and no one wants to take responsibility for *that catastrophe*. For example: How does one repay for thousands of lost lives, ongoing illnesses, and decimation of populations of salmon and other wildlife? How does an entire forest be remediated from dioxin poisoning? Should OSU Professor Mike Newton be held responsible for bringing Agent Orange to Oregon and experimenting on unsuspecting and innocent people? And conveniently, since chemical companies products are 'registered' they are exempt from that liability

For many years Oregon residents have made heroic efforts to explore stopping roadside, agricultural, forestry, etc. spraying of pesticides with officials ranging from the Governor of Oregon's office, Oregon Board of Forestry, ODF, PARC [ <http://www.oregon.gov/ODA/PEST/parcminutes051706.shtml> Old PARC cases; Pitchfork Rebellion], [ [http://www.oregon.gov/ODF/BOARD/docs/March\\_2008/A\\_att\\_8.pdf](http://www.oregon.gov/ODF/BOARD/docs/March_2008/A_att_8.pdf)], Oregon Department of Agriculture, ODOT and asserting individual actions without many results. Although recently a few very successful pilot projects, such as ODOT Hwy 101 project to not spray pesticides from Newport to Yachats are underway and very successful. Please

work with all of these entities to ensure that they do their job to protect the people, species and environment in Oregon. And please encourage the application of the ODOT Hwy 101 model to be extended to all Oregon's roadsides, whether under the auspice of ODOT or each county's road management programs.

Oregonian's for Food and Shelter (OFS) are lobbyists whose Board of Directors consists entirely of representatives of *all* the major chemical companies (DOW, Monsanto, etc.) and that exerts a heavy influence on the Oregon State Legislature, Oregon Board of Forestry, ODF and Oregon Department of Agriculture and other agencies and organizations, such as the Oregon Farm Bureau, thereby keeping in place archaic and dangerous forestry and agricultural practices. These lobbyists and Oregon Agencies collude to maintain the status quo of extreme and excessive (and just plain, daily use) of multiple-types and repeated applications of pesticides on Oregon's forests, farms and roadsides, via airplanes and helicopters (creating huge drift issues), backpack (effecting migrant laborers and their families, and also drift issues) and machinery spraying (impacting local and state government worker, and also drift issues). Please consider what EPA can do to change that dynamic and balance it towards health rather than profit.

For your reference, the following are lobbyists or Oregon agencies that deny the effects of or co-opt the resistance to, or manipulate, and/or control the use of pesticides in Oregon:

Oregonians for Food and Shelter, the primary chemical industry lobbyists in Oregon <http://www.ofsonline.org/> <  
<http://www.ofsonline.org/>>

PARC: Oregon Department of Agriculture's Pesticide Analytical Response Center

<http://www.oregon.gov/ODA/PEST/parc.shtml> <<http://www.oregon.gov/ODA/PEST/parc.shtml>>

Oregon Board of Forestry [http://www.oregon.gov/ODF/BOARD/index.shtml#About the Oregon Board of Forestry](http://www.oregon.gov/ODF/BOARD/index.shtml#About%20the%20Oregon%20Board%20of%20Forestry) <

[http://www.oregon.gov/ODF/BOARD/index.shtml#About the Oregon Board of Forestry](http://www.oregon.gov/ODF/BOARD/index.shtml#About%20the%20Oregon%20Board%20of%20Forestry)>

Oregon Dept of Agriculture <http://www.oregon.gov/ODA/> <<http://www.oregon.gov/ODA/>>

Oregon Department of Forestry <http://egov.oregon.gov/ODF/> <<http://egov.oregon.gov/ODF/>>

Oregon Farm Bureau <http://www.oregonfb.org/> <<http://www.oregonfb.org/>>

Ironically, solutions and alternatives to the use of forestry herbicides are already in practice, and specifically *only* in Oregon. Regarding forestry, Late-Successional Reserve- LSR (Clinton) forestry thins in the Siuslaw National Forest have created a highly productive, non-pesticide-use, and the *only* economically successful national forest in the country.

[http://www.sciencedirect.com/science?\\_ob=ArticleURL&\\_udi=B6T6X-3RGTBFX-K&\\_user=10&\\_coverDate=04%2F30%2F1997&\\_rdoc=1&\\_fmt=high&\\_orig=search&\\_sort=d&\\_docanchor=&\\_view=c&\\_searchStrId=1334384472&\\_rerunOrigin=google&\\_acct=C000050221&\\_version=1&\\_urlVersion=0&\\_userid=10&md5=bff82adb3719bfa15ac8f7c124accf82](http://www.sciencedirect.com/science?_ob=ArticleURL&_udi=B6T6X-3RGTBFX-K&_user=10&_coverDate=04%2F30%2F1997&_rdoc=1&_fmt=high&_orig=search&_sort=d&_docanchor=&_view=c&_searchStrId=1334384472&_rerunOrigin=google&_acct=C000050221&_version=1&_urlVersion=0&_userid=10&md5=bff82adb3719bfa15ac8f7c124accf82) <

[http://www.sciencedirect.com/science?\\_ob=ArticleURL&\\_udi=B6T6X-3RGTBFX-K&\\_user=10&\\_coverDate=04%2F30%2F1997&\\_rdoc=1&\\_fmt=high&\\_orig=search&\\_sort=d&\\_docanchor=&\\_view=c&\\_searchStrId=1334384472&\\_rerunOrigin=google&\\_acct=C000050221&\\_version=1&\\_urlVersion=0&\\_us>](http://www.sciencedirect.com/science?_ob=ArticleURL&_udi=B6T6X-3RGTBFX-K&_user=10&_coverDate=04%2F30%2F1997&_rdoc=1&_fmt=high&_orig=search&_sort=d&_docanchor=&_view=c&_searchStrId=1334384472&_rerunOrigin=google&_acct=C000050221&_version=1&_urlVersion=0&_us>)

[https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/6539/Siuslaw Watershed Analysis Beaver Creek.pdf?sequence=1](https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/6539/Siuslaw%20Watershed%20Analysis%20Beaver%20Creek.pdf?sequence=1) <

[file:///localhost/xmlui/bitstream/handle/1794/6539/Siuslaw Watershed Analysis Beaver Creek.pdf](file:///localhost/xmlui/bitstream/handle/1794/6539/Siuslaw%20Watershed%20Analysis%20Beaver%20Creek.pdf)>

[http://www.law.fsu.edu/journals/landuse/vol22\\_2/Neuman.pdf](http://www.law.fsu.edu/journals/landuse/vol22_2/Neuman.pdf)

<http://www.reo.gov/library/lsr/index.htm#2010>

This model could be applied to all national forests, BLM, State of Oregon timberlands, and private timberlands in Oregon, and throughout the Northwest and America with excellent benefits, such as mentioned above. Other options and benefits include: engaging the practice of the precautionary principal; stopping the use of pesticides and thereby reducing the need for depleted and environmentally hazardous (i.e. Gulf of Mexico oil spills) fossil fuels to manufacture them; more employment for local residents (many of whom no longer have timber-related jobs) managing these lands and remediating the soils and water of TCDD dioxin and other toxic/poison chemicals and their by-products; contributing to stopping global climate change by using old growth trees as carbon stores.

Regarding managing Oregon's agriculture without pesticides, from the Oregon Tilth website:

1982, the Willamette Valley chapter of Tilth began an organic certification program to serve the needs of growers looking to protect and promote organic farming. Collaborating with the states of California and Washington, Willamette Valley Tilth drafted the *first* Standards and Procedures for organic production. These standards became the blueprint for the California and Washington programs, and eventually the National Organic Program. In 1986, Willamette Valley Tilth became Oregon

Tilth, and inherited the momentum and the non-profit status from Regional Tilth.

Oregon Tilth shared its model of certification with other organizations to implement programs in other parts of the country and the world. With a sound background of materials review, in 1997, Oregon Tilth helped form the Organic Materials Review Institute (OMRI), which continues to flourish in evaluating materials for use in organic farms and processors throughout the country. Oregon Tilth was one of the first to recognize that the standards of organic agriculture needed to be applied to the food processing environment in order to effect change on a national level and inspire the transition of millions of acres to sustainable, organic practices.

Today, Oregon Tilth is one of the largest certifiers in the country and undeniably the most balanced-roughly half of our certified operators are farms and the other half processors. This gives Oregon Tilth a unique and invaluable perspective on the entire supply chain, from seed to table, farm to fork, literally from the ground up.

I understand the limits of the federal government's influence on private property owners and their holdings, but I also know that fed trumps state, state trumps county, etc. And, for example, since the Oregon Forestry Practices Act (created and managed by the Oregon Board of Forestry whose very legal construct includes those with a forestry interest, and perhaps conflict of interest) allows dangerous timber pesticide practices *if* the federal government changed from allowing the chemical companies to test their own products, register those products, and then use them without oversight of that use (i.e. no independent testing for single pesticides or for combined use of pesticides and their proprietary inerts and other dangerous practices) to the precautionary principle now in practice in the EU and widely accepted as the normal standard throughout the world, then the Oregon Board of Forestry (and other agencies/entities) would have no choice but to follow suit.

Dr. Samuel Epstein MD, Ph.D. from the University of Illinois and author of *CancerGate*, *Stop Cancer Before it Starts*, *How to Win the War on Cancer* < [http://www.preventcancer.com/press/pdfs/Stop\\_Cancer\\_Book.pdf](http://www.preventcancer.com/press/pdfs/Stop_Cancer_Book.pdf) >, and many other books, excerpted from [http://www.preventcancer.com/losing/nci/blame\\_victim.htm](http://www.preventcancer.com/losing/nci/blame_victim.htm).

#### **NCI Rejects the Precautionary Principle**

The U. S. National Cancer Institute ignores the fundamental and world-wide acceptance of the Precautionary Principle. Illustratively, it has failed to undertake research on nationwide community concerns on clusters of adult and childhood cancers in the vicinity of major air polluting urban facilities, nuclear power plants, petrochemical industries, and Superfund hazardous waste sites; these are disproportionately and discriminatorily located in low socio-economic, African-American, and other ethnic communities. This failure is further compounded by the availability of data on air and water pollutants from large chemical industries and hazardous waste sites, following EPA's creation of The National Toxic Release Inventory (TRI) in 1987. ...Worse still, both NCI and ACS have remained silent or dismissive of such concerns. Furthermore, NCI's silence fails to reflect substantial data incriminating avoidable and unknowing exposures of the population-at-large to industrial carcinogens, particularly Persistent Organic Pollutants (POPs), and novel man-made radioactive isotopes which contaminate the totality of the environment: air, water, soil, the workplace, and consumer products, such as food, household products, cosmetics and toiletries. Such exposures have, to varying degrees, been incriminated in the escalating incidence of overall and site-specific cancers over recent decades.

Lastly, if the EPA will take leadership in Oregon then other states will follow. Having a national policy that protects with precaution its residents, species and environment rather than outmoded industry practices to poison the former indiscriminately will lead to a healthy, whole and thriving America. That conceptual 'leap' may seem large but it begins with stopping poisoning and starting economic and environmental practices that are sustainable, green and vital for the future of our nation and planet.

Thirty years later I still believe I live in paradise, albeit I've sadly learned—a 'poisoned paradise', but one that with care, concern, and study, and the actions of remediation, reclamation and rehabilitation applied to its environment, species and residents can be restored to health and vitality.

Thank you for your consideration of the above information and my requests for the EPA to take immediate action to remedy the grievances discussed above.

Sincerely,  
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